

EXCERPTS OF
KENNETH W. COLLARD, JR.
DEPOSITION

IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JOHN BRADY BARRINEAU,)	CIVIL ACTION NO. CV05-0028
)	
Plaintiff,)	
)	
vs.)	
)	
PROMARINE TECHNOLOGY and)	
CABRAS MARINE CORPORATION,)	
)	
Defendants.)	

DEPOSITION TRANSCRIPT

OF

KENNETH W. COLLARD, JR.

February 21, 2007

ORIGINAL

PREPARED BY:

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1 Q -- was shut off? Okay. Who was
2 responsible for hooking up the umbilical cords
3 to the masks?

4 A This is something out of the crew of --
5 or, of a crew of six at the time of Pro
6 Marine's crew members, there was only four that
7 were possible, hooking up the mask to the
8 umbilicals, because there was two more of us
9 that were on board the Hague that we are doing
10 what we called the ship's safety tagout.

11 So, out of it, the crew, there was only
12 -- there was only a certain number of -- that
13 could have possibly done this.

14 Now, the deck, the Cajun is very, very
15 -- the deck space of the Cajun is very, very
16 small, very tight. So, we had umbilical hoses,
17 diver's umbilicals, we had hydraulic hoses and
18 it was very, very congested. So, I would
19 imagine that the mistake was made because
20 somebody crossed one end, one umbilical over
21 the top of another one and the assumption was
22 made that that's the one that they should be
23 hooking up to.

24 Q Did the guys that were employed by
25 Cabras have anything to do with making those

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1 question. Do you see the distinction?

2 A Yes.

3 Q Okay. And so the answer that you gave
4 "yes" meaning PMT is the owner of all this
5 equipment. You say, "Yes, except for the M/V
6 Cajun." Okay? If you understand the question
7 to mean only the equipment that was being used
8 in the underwater dive operation, would your
9 answer change at all? Would it just simply be
10 "yes" as opposed to "yes, except for --"

11 A Again, the way that I interpreted the
12 question was that, mission was to scrub the
13 hull. But the mission also encompassed the use
14 of a platform to work off of. The Cajun acted
15 as that platform, which was a part of that
16 particular mission.

17 Q Okay.

18 A That was my interpretation of the
19 question and it was answered as such. We owned
20 all the equipment necessary for the underwater
21 mission of the cleaning of the hull with
22 exception of the Hague (sic). We did not own
23 it yet.

24 Q You mean the Cajun?

25 A I am sorry, the Cajun.

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1 A Correct.

2 Q Okay. So, sort of a dedicated one-man
3 to one-piece of equipment situation?

4 A Correct.

5 Q And did that include the compressor?

6 A Yes, it did.

7 Q And did it include the two valves that
8 supplied air to the umbilicals?

9 A Okay. The compressor is one portion of
10 the air supply.

11 Q Okay.

12 A You go from an air compression, which
13 fills up the 2,000 PSI flasks. The air supply
14 from the flask is regulated down a workable
15 breathing pressure of about 100 PSA, which goes
16 into a volume tank. The volume tank is a 30-
17 gallon volume tank, which is a receiver, so-to-
18 speak. The two quarter turn valves, the diver
19 supply comes off of this volume tank. The
20 quarter turn valves are hooked up or -- excuse
21 me, the diver's umbilicals are hooked up to the
22 tube, quarter turn valves off the volume tank.

23 Q And would that volume tank with the two
24 valves be an item that a Pro Marine Technology
25 crew member was assigned to?

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1 case it rained or anything, but nothing was
2 ever noticed that have been -- none of our
3 equipment -- we didn't notice any proof of
4 tampering or any evidence of tampering.

5 Q And to be sure, I didn't mean
6 tampering, it's not really -- not a very good
7 choice of word. I didn't mean tampering in the
8 sense that -- tampering in the sense that, you
9 know, they were really doing something that
10 they weren't supposed to be doing. What I
11 meant was, the equipment when on the Cajun Day
12 1 and it came off the Cajun at the end of the
13 operation. During that period of days, was
14 there any involvement of the Cabras employees
15 and the maintenance or the placing or the use
16 of the equipment?

17 A No.

18 Q The PMT equipment.

19 A No.

20 Q Okay. May I go back to the last
21 question?

22 A Sure.

23 Q You said placing the equipment?

24 A Uh-huh. They helped us when we first
25 brought the equipment from the pier side onto

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1 the stern deck. And the captain would keep the
2 boat tied into the pier and the deckhand would
3 move some of their own equipment so that we
4 have room to put our equipment.

5 Q Some of the equipment that would
6 normally be carried on the Cajun?

7 A Yeah, houser lines, ropes, buoys,
8 fenders.

9 Q Okay.

10 A They would assist moving their
11 equipments so that we could load in place ours.

12 Q Who would move the Cabras equipment to
13 accommodate your equipment?

14 A The Cabras deckhand.

15 Q Okay. Earlier I asked you a question
16 in terms, you know -- the question was, was it
17 your expectation that the two Cabras employees
18 should have been prepared to respond to the
19 diving emergency? A little bit -- this is a
20 similar question, maybe a little bit broader.
21 Once the problem with Mr. Barrineau arose, when
22 that sequence of events started, accidental
23 shutting off of his air, did you as the PMT
24 representative on board have any expectation
25 that the Cabras employees would intervene in

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1 is that right?

2 A No. We would ask -- we would ensure
3 that the crew members kept all of their
4 equipment completely away from ours.

5 Q Okay.

6 A Because of that limited space.

7 Q Okay. Also, if the valve had been
8 properly marked, the valve itself, would that
9 have prevented you from turning it off?

10 A The valves were properly marked.

11 Q Were they labeled as far as -- let me
12 back up. Do you take any - there's a United
13 States Navy Diving Manual. Are you familiar
14 with that?

15 A Yes.

16 Q In your line of work, do you -- have
17 you read that manual?

18 A Yes.

19 Q Okay. What kind of weight does the
20 contents of that manual carry as far as your
21 diving operations?

22 A It carries a substantial weight, but it
23 is not the prevailing regulations that we are
24 bound by.

25 Q Okay. Are you familiar that in the

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1 United States Navy Diving Manual, there's a
2 requirement that all air valves that supply air
3 to divers be labeled?

4 A I am familiar with that regulation,
5 Navy regulation.

6 Q Do you know how those air valves are
7 supposed to be labeled pursuant into the United
8 States Navy Diving Manual?

9 A Yes.

10 Q Can you tell me what that is?

11 A Each valve has to have a tag off of it
12 that would prevent the accidental closure of it
13 and it said that "This is diver's air, do not
14 close unless approved by the diving
15 supervisor".

16 Q Okay. So, there would be actual
17 language that says "Diver's air. Do not
18 close"?

19 A That's correct.

20 Q Okay. And then there's a second
21 element to that. There's a physical restraint
22 on the valve itself; is that right?

23 A That's correct.

24 Q Okay. Now, you said -- well, let me
25 keep going with that line of thought. The

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1 valves on the volume tank, they had direct to
2 control to diver air supply, right?

3 A That's correct.

4 Q Okay. One of them supplied air to
5 Brady Barrineau who was underwater; is that
6 right?

7 A Correct.

8 Q And the other supplied diver air to a
9 mask that was not in use yet?

10 A Correct.

11 Q Okay. Now, those valves on the volume
12 tank did not have a physical restrain on them?

13 A No, they did not.

14 Q Okay. And the valves, neither the
15 valves had the language, the warning, as
16 required by the United States Navy Diving
17 Manual; correct?

18 A Let me reiterate here, that we're not
19 subject to the United States Navy regulation.

20 Q I'm not --

21 A We are subject only to the CFR --

22 Q I'm not assuming you are --

23 A -- so your references to the U.S. Navy
24 Diving Manual is -- (pauses).

25 Q I understand it.

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1 A Okay.

2 Q But do you understand my question?

3 A I understand.

4 Q Okay. And your answer is?

5 A No, they were not labeled as the U.S.
6 Navy Diving regulation stipulates.

7 Q Okay. But your system, PMT system, was
8 a color coded system?

9 A Correct.

10 Q Okay. Do you know when -- PMT employed
11 John Brady Barrineau?

12 A Correct.

13 Q Do you know the dates that he was
14 employed by PMT?

15 A His appointment started on January 31st,
16 of 2005.

17 Q Okay. And when did it end?

18 A May 22nd, 2005.

19 Q Okay. At one point during his
20 employment, PMT received a job to scrub the
21 hull of the Hague; is that right?

22 A Correct.

23 Q That was PMT's mission; clean the hull
24 of the Hague?

25 A Correct.

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1 and doing it underwater is more dangerous than
2 doing work in the open ocean on a ship, is that
3 fair to say?

4 A Correct.

5 Q Okay. The M/V Cajun, it was a United
6 States flagship, do you know?

7 A I believe so.

8 Q Okay. Now, to begin this task of
9 cleaning the Hague, there is -- your equipment,
10 PMT's equipment, was loaded on to the M/V
11 Cajun, correct?

12 A Correct.

13 Q At the beginning of the job?

14 A Correct.

15 Q Okay. And it was off-loaded at the end
16 of the job.

17 A Correct.

18 Q Your workdays were -- did you start at
19 7:30 in the morning and go to about 5:30 at
20 night each day?

21 A Without referring to the time sheets, I
22 would say that's a fairly -- that was our
23 normal operations, from 7:30 to about 4:30.

24 Q Okay. And you worked, I think that the
25 testimony was, four and a half days on -- what

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1 your PMT's equipment on board the Cajun. Did
2 you use a crane to do so?

3 A Yes, we had Cabras -- they had a, what
4 they call a cherry-picker. It's a small crane.

5 Q Okay.

6 A At pier, F6.

7 Q Okay.

8 A And that's what we used, because we
9 were supposed to load everything over at Sumay,
10 where everything is fairly level, maybe a foot
11 or so difference, depending on the tides. But
12 since they couldn't get over there, we had to
13 move our equipment over to F6, which there is a
14 substantial drop off from the top of the pier
15 down to the deck of Hague. It became a safety
16 issue, so we asked them if we could borrow or
17 rent their cherry picker that they had there --

18 A Okay.

19 Q -- for us to be able to move our
20 equipment form our vehicles down on to the
21 deck.

22 Q Uh-huh. And who operated the crane?

23 A It was one of the Cabras crew members.

24 Q Do you know the name of that person?

25 A No, I do not.

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1 Navy Diving Manual?

2 A Excuse me.

3 Q It's okay.

4 A To the letter of the U.S. Navy Diving
5 Manual, no, we're not nor do we have to be.
6 Again, our requirements only are to be in
7 compliance with the CFRs, the 29 and the 46.
8 The Navy Diving Manual is a good baseline to go
9 off of --

10 Q Uh-huh.

11 A -- and, yes, they have the tried and
12 trued requirements and safety precautions
13 already.

14 But, to the letter, getting back your
15 question, to the exact letter of what the Navy
16 Regulations state, no, we're not in identical
17 compliance to their -- to their satisfaction.
18 However, we have made it that, one, of these
19 quarter turn valves can not be accidentally
20 turned off and, two, yes they are tagged that
21 under no circumstance will they be turned off,
22 that they are divers' supply and to -- that the
23 diving supervisor is the only one who has
24 authority to turn these off.

25 Q Okay. And if that physical restraint

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1 A Yes.

2 Q Okay. Now, we have Cabras working a
3 crane to bring PMT's equipment onto the Cajun;
4 correct?

5 A Correct.

6 Q Okay. We also have, correct me if I'm
7 mistaken, but the captain and his deckhand
8 moving their equipment, moving the Cajun's
9 equipment out of the way so PMT's equipment can
10 come on board; is that right?

11 A My recollection is that they moved off
12 their mooring lines that they had on the deck.
13 Normally, they will screw their morning lines
14 in a zigzag fashion so that it runs off the
15 stern easier. We needed that out of our way.

16 Q Okay. Did you communicate in any way
17 to the captain that, you know, space is tight
18 on this deck, we need as much space as
19 possible?

20 A I may have. That is a good -- I would
21 think so.

22 Q You would think so?

23 A We have a lot of equipment.

24 Q You would inform the captain that you
25 needed as much space as possible?

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